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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,098	03/05/2002	Michael Kahn	MATP-622US	5873

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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,098

Applicant(s)

KAHN, MICHAEL

Examiner

Michael Van Handel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-3, 5-15** are rejected under 35 U.S.C. 102(b) as being anticipated by CPC CaptionMaker.

Referring to claims **1** and **5**, CPC CaptionMaker discloses a set top box/method (Closed or Open Caption Encoder/Decoder), comprising:

- a first port for receiving a data signal that represents caption text (System Diagram & p. 5, CPC-600 users are ready to caption... section);
- a second port for receiving a video signal (System Diagram & p. 3); and
- a video processor responsive to the data signal for generating a further signal that represents the caption text and for combining the further signal with the video signal to provide an output video signal (p. 3).

Referring to claims **2** and **6**, CPC CaptionMaker discloses the set top box/method of claims **1** and **5**, respectively, wherein the video processor includes an on-screen display for converting the caption text into a video image, and the video processor combines the video image and the video signal to form the output video signal (System Diagram & p. 3, 5).

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Referring to claims 3 and 7, CPC CaptionMaker discloses the set top box/method of claims 1 and 5, respectively, wherein the video processor includes a closed caption encoder for encoding the video signal with the caption text to form the output video signal (System Diagram).

Referring to claim 8, CPC CaptionMaker discloses the method of claim 5, further comprising the steps of:

- receiving, in a video recording device, said output video signal (System Diagram & p. 3); and
- recording said output video signal onto a video storage medium (p. 5).

Referring to claims 9, 13-15, CPC CaptionMaker discloses a video captioning system/method, comprising:

- a computer including caption text (System Diagram & p. 3);
- a set top box (Closed or Open Caption Encoder/Decoder) including:
 - o a first port for receiving a data signal from the computer that represents the caption text (System Diagram & p. 5, CPC-600 users are ready to caption... section);
 - o a second port for receiving a video signal from a video source (System Diagram & p. 3); and
 - o a video processor responsive to the data signal for generating a further signal that represents the caption text and for combining the further signal with the video signal to provide an output video signal (p. 3).

Further referring to claims **13** and **15**, CPC CaptionMaker discloses receiving, in a computer, a command to transmit a data signal that represents caption text stored in the computer (p. 5, CPC-600 users are ready to caption... section).

Referring to claims **10** and **11**, CPC CaptionMaker discloses the video captioning system of claim 9, wherein the computer is responsive to a command from a user to cause the computer to transmit the data signal that represents the caption text to the first port of the set top box and wherein the computer is responsive to a predetermined keystroke to transmit the data signal that represents the caption text to the first port of the set top box (p. 5, CPC-600 users are ready to caption... section).

Referring to claim **12**, CPC CaptionMaker discloses the video captioning system of claim 9, wherein the data signal includes caption text information related to at least one of size, color, style, and location of the caption text, and the video processor uses the caption text information in the creation of the output signal (the examiner notes that the CaptionMaker software describes font, color, italics, etc. as attributes of captions)(p. 1, General Features section).

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Claim Rejections - 35 USC § 103

1. Claim **4** is rejected under 35 U.S.C. 103(a) as being unpatentable over CPC CaptionMaker.

Referring to claim **4**, CPC CaptionMaker discloses the set top box of claim 1, additionally comprising a computer readable carrier that includes computer readable software for

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use with a computer (inherent). CPC CaptionMaker further discloses that the computer transmits the caption text to the first port of the set top box (System Diagram). CPC CaptionMaker does not disclose a set top box comprising computer readable software that causes the computer to transmit the caption text; however, the examiner takes Official Notice that it is well known within the prior art for a receiving device to request data from a transmitting device when it is ready to process the data. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the Closed or Open Caption Encoder/Decoder of CPC CaptionMaker to request data from a transmitting device, such as that taught by the prior art in order to prevent transmission errors.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Orphan discloses a system for encoding and displaying captions for television programs.

Schriebman discloses a method and apparatus for inserting closed-caption and/or other control data into the vertical blanking interval of a video image data stream.

Parks discloses a personal computer having a timing decoder and a graphics overlay card that is programmed to interpret a script written in accordance with a predetermined grammar or format.

Nonomura et al. discloses an apparatus for generating sub-picture units for subtitles.

Berman discloses a method and apparatus for applying overlay images.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH


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